1	CHRISTOPHER CHIOU Acting United States Attorney Nevada Bar No. 14853				
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3	District of Nevada ANDREW W. DUNCAN				
4	Assistant United States Attorney Nevada Bar No. 14702				
5	501 Las Vegas Boulevard South, Suite 1100 Las Vegas, Nevada 89101				
6	Tel: 702.388.6336/ Fax: 702.388.6418 Andrew.Duncan@usdoj.gov Attorneys for the United States of America				
7	UNITED STATES DISTRICT COURT				
8	DISTRICT OF NEVADA				
9	UNITED STATES OF AMERICA,	Case No. 2:20-mj-00224-BNW			
10	Plaintiff,	Stipulation to Extend Deadlines to Conduct Preliminary Hearing and			
11	v.	File Indictment (Third Request)			
12	ANTHONY RIOS,				
13	Defendant.				
14					
15	IT IS HEREBY STIPULATED AND AGREED, by and between Christopher				
16	Chiou, Acting United States Attorney, and Andrew W. Duncan, Assistant United States				
17	Attorney, counsel for the United States of America, and Jawara Griffin, counsel for				
18	Defendant Anthony Rios, that the Court vacate the preliminary hearing scheduled for				
19	August 10, 2021, at 2:00 p.m. and reschedule the hearing for a date and time convenient to				
20	this Court, but no sooner than 30 days from the currently scheduled date. This request				
21	requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted				
22	within 21 days of a released defendant's initial appearance, see Fed. R. Crim. P. 5.1(c); and				
23	(2) that an information or indictment be filed within 30 days of a defendant's arrest, see 18				
24	U.S.C. § 3161(b).				

This stipulation is entered into for the following reasons:

- 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial appearance] if [the defendant is] not in custody"
- 2. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times"
- 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days."
- 4. Moreover, the parties have entered into negotiations in an attempt to promptly resolve this case and reduce the judicial and government resources required by this case. The defense requires additional time to review discovery and adequately advise Defendant regarding any plea negotiations.
- 5. The additional time requested herein is not sought for the purposes of delay, but to allow counsel for Defendant sufficient time to effectively and thoroughly research and prepare and to determine whether to proceed with a preliminary hearing and indictment or to resolve this case through negotiations.
- 6. Accordingly, the parties jointly request that the Court schedule the preliminary hearing in this case no sooner than 30 days from the currently scheduled date.

1	7.	Defendant is in federal cust	ody, agrees to the extension of the 21-day deadline
2	imposed by Rule 5.1(c) and the deadline imposed by 18 U.S.C. § 3161(b), waives any right		
3	to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), and requests that the time between		
4	Defendant's initial appearance on June 4, 2021, and the rescheduled preliminary be		
5	excluded in computing the time within which an information or indictment must be filed		
6	under 18 U.S.C. §3161(b).		
7	8. The parties agree to the extension of these deadlines.		
8	9.	Accordingly, the additional	time requested by this stipulation is (a) allowed
9	under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time		
10	within which the defendant must be indicted and the trial herein must commence pursuant		
11	to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18		
12	U.S.C. § 3161(h)(7)(B)(i) and (iv).		
13	10.	This is the third request for	an extension of the deadlines by which to conduct
14	the preliminary hearing and to file an indictment.		
15	DATED this 6 th day of August, 2021.		
16			Respectfully submitted,
17			CHRISTOPHER CHIOU
18			Acting United States Attorney
19	_/s/ Jawara		/s/ Andrew W. Duncan
20	Counsel for		ANDREW W. DUNCAN Assistant United States Attorney
21	Anthony Rios	5	Attorneys for the United States of America
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1 **UNITED STATES DISTRICT COURT DISTRICT OF NEVADA** 2 3 UNITED STATES OF AMERICA, Case No. 2:20-mj-00224-BNW 4 Plaintiff, [Proposed] Order on Stipulation to **Continue Preliminary Hearing and** 5 v. Deadline to Indict Defendant 6 ANTHONY RIOS, 7 Defendant. 8 9 Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing 10 the time within which the defendant must be indicted and the trial herein must commence 11 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of 12 Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv): 13 14 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled at the hour 15 of 3:30 p.m. 16 DATED this 9th day of August, 2021. 17 18 19 HONORABLE BRENDA N. WEKSLER UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24